

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1848

Introduced by Assembly Member Atkins

February 22, 2012

An act to ~~amend~~ add Section ~~2004~~ of 2076.6 to the Business and Professions Code, relating to ~~medicine~~ healing arts, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1848, as amended, Atkins. ~~Medical Board of California.~~
Physicians and surgeons: expert witness testimony.

Existing law, the Medical Practice Act, provides for the licensing and regulation of physicians and surgeons in the state by the Medical Board of California under the Department of Consumer Affairs. Existing law provides exceptions from those licensing requirements to permit physicians and surgeons who are licensed in another state to practice medicine in California in specified circumstances.

This bill would require a physician and surgeon who is licensed in another state to file an application and fee with the board and receive approval, as specified, prior to offering expert witness testimony related to the practice of medicine in any legal proceeding in the state. A physician and surgeon so approved would be subject to discipline by the board.

This bill would make an appropriation because the application fees would be deposited into the Contingent Fund of the Medical Board of California, a continuously appropriated fund.

~~The Medical Practice Act provides for the licensure and regulation of physicians and surgeons by the Medical Board of California, and specifies the board's responsibilities in this regard.~~

~~This bill would make a technical, nonsubstantive change to these provisions.~~

Vote: majority. Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2076.6 is added to the Business and
2 Professions Code, to read:

3 2076.6. (a) A physician and surgeon who holds an active and
4 valid license to practice medicine in another state shall file a
5 written application with the board, using a form that the board
6 shall create, and receive the approval of the board prior to
7 providing expert witness testimony, under oath, relating to the
8 practice of medicine in any legal proceeding in the state. The
9 application shall contain:

10 (1) The applicant's legal name, mailing address, and telephone
11 number.

12 (2) The names of all jurisdictions where the applicant holds,
13 has held, or has applied for, a license to practice medicine, the
14 current status of each license or application, and the name of any
15 jurisdictions in which a license or application has been suspended,
16 revoked, or denied.

17 (3) A statement declaring whether the applicant has previously
18 held or applied for a California medical license and whether that
19 license or application was ever suspended, revoked, or denied.

20 (4) A list of any felonies or misdemeanors of which the applicant
21 has been convicted in any jurisdiction.

22 (5) A statement indicating whether the applicant has previously
23 applied for, or held, an expert witness certificate and whether any
24 previous expert witness certificate has been revoked by the board,
25 or a similar board, committee, medical society, or administrative
26 body in any other jurisdiction.

27 (b) The application shall be accompanied by a fee in an amount
28 set by the board sufficient to cover the reasonable costs of
29 processing the application. All fees collected under this section

1 shall be deposited in the Contingent Fund of the Medical Board
2 of California.

3 (c) If the board fails to approve or deny the application within
4 10 business days after receipt of the application and payment of
5 the application fee, the application shall be deemed approved. The
6 board shall issue an expert witness certificate to all approved
7 applicants. The certificate shall be valid for two years from
8 issuance.

9 (d) An expert witness certificate does not authorize the holder
10 to practice medicine, as described in Section 2052. An expert
11 witness certificate shall be treated as a license in any disciplinary
12 action and the holder of the certificate shall be subject to discipline
13 by the board.

14 (e) A physician and surgeon who is authorized under this section
15 to provide expert testimony relating to the practice of medicine
16 shall be deemed to consent to the jurisdiction, and regulatory and
17 disciplinary powers, of the board and shall be subject to the
18 provisions of Section 2234.

19 (f) An expert witness certificate issued pursuant to this section
20 shall be disclosed upon request to a member of the public and
21 shall be posted on the board's Internet Web site.

22 ~~SECTION 1. Section 2004 of the Business and Professions~~
23 ~~Code is amended to read:~~

24 ~~2004. The board shall have the responsibility for all of the~~
25 ~~following:~~

26 ~~(a) The enforcement of the disciplinary and criminal provisions~~
27 ~~of the Medical Practice Act.~~

28 ~~(b) The administration and hearing of disciplinary actions.~~

29 ~~(c) Carrying out disciplinary actions appropriate to findings~~
30 ~~made by a panel or an administrative law judge.~~

31 ~~(d) Suspending, revoking, or otherwise limiting certificates after~~
32 ~~the conclusion of disciplinary actions.~~

33 ~~(e) Reviewing the quality of medical practice carried out by~~
34 ~~physician and surgeon certificate holders under the jurisdiction of~~
35 ~~the board.~~

36 ~~(f) Approving undergraduate and graduate medical education~~
37 ~~programs.~~

38 ~~(g) Approving clinical clerkship and special programs and~~
39 ~~hospitals for the programs in subdivision (f).~~

- 1 ~~(h) Issuing licenses and certificates under the board's~~
- 2 ~~jurisdiction.~~
- 3 ~~(i) Administering the board's continuing medical education~~
- 4 ~~program.~~